

FILED 08 SEP 04 12:17 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**ERNEST WAYNE DODSON, JR.,**

**06-CV-388-HU**

**Petitioner,**

**ORDER**

**v.**

**JEAN HILL,**

**Respondent.**

**STEVEN T. WAX**

Federal Public Defender

**THOMAS J. HESTER**

Assistant Federal Public Defender

101 S.W. Main Street

Suite 1700

Portland, OR 97204

(503) 326-2123

**Attorneys for Petitioner**

1- ORDER

**HARDY MYERS**

Attorney General

**LYNN DAVID LARSEN**

Assistant Attorney General

Oregon Department of Justice

1162 Court Street, N.E.

Salem, OR 97301-4096

(503) 947-4700

Attorneys for Respondent

**BROWN, Judge.**

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#33) on June 25, 2008, in which he recommends the Court deny the Petition for Writ of Habeas Corpus (#2) of Ernest Wayne Dodson, Jr. and dismiss this matter with prejudice. Petitioner filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

This Court has carefully considered the Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any

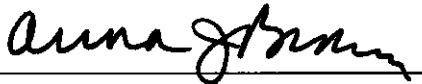
error in the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#33) and, therefore, **DENIES** the Petition for Writ of Habeas Corpus (#2) and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 3<sup>rd</sup> day of September, 2008.

  
ANNA J. BROWN  
United States District Judge